

REMARKS**I. Petition for Extension of Time**

Applicants herewith petition the Commissioner for Patents to extend the time for response to the Office action mailed September 26, 2005 for four months from October 26, 2005 to February 26, 2006. Authorization is given to charge the extension of time fee of \$1590.00 (37 C.F.R. §1.136 and §1.17) to Deposit Account No. 23-1703. Any deficiency or overpayment should be charged or credited to the above numbered deposit account.

II. Claim Amendments

Product claims 15 and 27 (Group II) have been amended by the deletion of the expression "and optionally one or more additional therapeutic ingredients". The deleted embodiment is the subject of new claim 29. Method of treatment claims 17 and 28 (Group III) have been amended to recite a method of "inhibiting gastric acid secretion". Support is provided by the specification as originally filed, e.g., page 2, lines 27-29.

Applicants submit that no new matter has been introduced by any of the claim amendments.

III. Restriction Requirement

Restriction to one of the following Groups of claims is required under 35 U.S.C. §121:

- I. claims 1-12 and 18-26 drawn to compounds and processes of preparing;
- II. claims 15 and 27 drawn to a composition containing an additional active ingredient; and
- III. claims 17 and 28 drawn to multiple uses.

Applicants respectfully submit that the claim amendments render moot the restriction requirement of record. There has been no substantive examination of any claim on the merits and, therefore, the claim amendments are timely to require the Examiner to reconsider the restriction requirement of record.

Nevertheless, to be fully responsive to the restriction requirement, Applicants elect Group I with traverse. As recited in amended claims 17 and 28, Applicants elect the inhibition of gastric acid secretion as a disease for examination purposes.

All three categories of claims are pending: product, process of making and process of use. Under 37 C.F.R. §1.141(b), a three way requirement for restriction can only be made where the process of making is distinct from the product. The claims have been amended so that all of the claims, including the process and use claims, are directly or indirectly dependent on the independent product claims 1 or 18. Accordingly, the claim amendments made herein render the restriction requirement moot. Withdrawal of the restriction requirement is deemed proper pursuant to 37 C.F.R. §1.141(b).

CONCLUSION

Claims 1-5, 8-12, 15 and 17-29 are pending. For all of the foregoing reasons, the Examiner is respectfully requested to withdraw the restriction requirement and join the claims of Groups I-III for examination in the present application.

Any fee due in connection with this response should be charged to Deposit Account No. 23-1703.

Dated: 23 February 2006

Respectfully submitted,


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